

NINTH DAY.

(Tuesday, January 26, 1937.)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

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| Aikin. | Oneal. |
| Brownlee. | Pace. |
| Burns. | Rawlings. |
| Collie. | Redditt. |
| Cotten. | Roberts. |
| Davis. | Shivers. |
| Head. | Stone. |
| Holbrook. | Sulak. |
| Isbell. | Van Zandt. |
| Lemens. | Weinert. |
| Moore. | Winfield. |
| Neal. | Woodruff. |
| Newton. | |

The following Senators were absent and excused:

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| Beck. | Small. |
| Hill. | Spears. |
| Nelson. | Westerfeld. |

A quorum was announced present.

The invocation was offered by the Chaplain.

The reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Aikin.

Leaves of Absence Granted.

Senator Westerfeld was granted leave of absence for today, to attend the funeral of Senator Hill's mother, on motion of Senator Cotten.

Senators Beck, Nelson and Spears were granted leaves of absence for today, to attend the funeral of Senator Hill's mother, on motion of Senator Cotten.

Senator Small was granted leave of absence for today on account of important business, on motion of Senator Van Zandt.

Senator Hill was granted leave of absence for today, on account of the death of his mother, on motion of Senator Van Zandt.

Reports of Committee on Rules.

Senator Rawlings submitted the following reports of the Committee on Rules on Senate Resolutions Nos. 3 and 4:

Committee Room,

Austin, Texas, Jan. 26, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Rules, to whom was referred the following resolution:

Senate Resolution No. 3.

Be it Resolved by the Senate of the State of Texas, That the general rules of the Senate, Numbers 1 to 101, inclusive, of the Forty-fourth Legislature, as shown on pages 229 to 284, inclusive, of the Texas Legislative Manual, 1935, with the following amendments and additions be adopted as the permanent rules of the Texas Senate for the Forty-fifth Legislature:

Rule 96-a is amended to read as follows:

"96-a. A bulletin board shall be prepared and placed in the hallway immediately to the rear of the Senate Chamber, upon which shall be posted the time for meetings of standing committees. Immediately after the time and place of any committee hearing has been fixed, this information shall be given to the Secretary of the Senate who shall cause the same to be posted forthwith on said bulletin board."

Rule 98 is amended to read as follows:

"98. Hearings on bills before any committee shall be open to the public and reasonable opportunity shall be afforded to interested parties to appear before the committee. The committee by a majority vote shall have the right to fix the order of appearance and the time to be allotted to any such interested party. Any member of the Senate, by making timely written request therefor upon the chairman of the committee (or vice-chairman in the absence of the chairman), shall be entitled to receive at least forty-eight hours advance notice in writing of the time and place of the hearing on any bill or bills specified in the demand, but the time and place of hearing on any bill having been fixed in response to said request, the chairman shall not be required to change or delay said hearing upon subsequent requests from other members of the Senate. After the receipt of such notice by the chairman of the committee (or vice-chairman in the absence of the

chairman), no hearing shall be held by the committee or action taken on such bill or bills unless such notice has been previously given as required herein."

Amend Senate rules by adding thereto Rule 98a, to read as follows:

"98-a. After public hearing has been concluded on any bill, the committee by a majority vote may direct without debate that action by the committee on such bill be taken in executive session, provided, however, that a record of such proceedings had in such executive session shall be kept and that the same shall be open for public inspection."

Rule 99 is amended to read as follows:

"99. A two-thirds majority of the membership of any committee shall constitute a quorum, and no action shall be taken upon any bill or resolution in the absence of a quorum. At any stated meeting of the committee, if a roll call discloses lack of a quorum, the chairman (or vice-chairman in the absence of the chairman) may furnish the Sergeant-at-Arms with the names of the absentees, and it shall be the duty of the Sergeant-at-Arms to promptly notify said absentees of the time and place of said meeting."

Amend Senate rules by adding thereto Rule 99-a, to read as follows:

"99-a. The chairman of the committee (or vice-chairman in the absence of the chairman) shall file with the Senate a written report showing the action of such committee on bills and resolutions pending before it. Such reports shall be signed officially by the chairman (or vice-chairman in the absence of the chairman)."

Amend Senate rules by adding thereto Rule 99-b, to read as follows:

"99-b. If a motion to report a bill or resolution favorably does not receive a majority vote, the bill or resolution shall be dead. Likewise, if a motion to report a bill or resolution unfavorably receives a majority vote, the same shall be dead. When a bill or resolution has been killed by the committee, a favorable minority report may be made, provided notice thereof is given by two members of the committee present at the time the bill is killed and who voted on the minority side; this re-

port must be in writing and signed by the members giving notice, and must be filed with the Senate within two calendar days from the time such action was taken by the committee. Unless one of the members signing the minority report makes a motion in the Senate to have the same substituted for the majority report within ten calendar days from the time said minority was filed with the Senate, said bill or resolution shall be dead and shall not be again considered during the session. It shall take the affirmative vote of two-thirds of the members of the Senate to substitute a minority report for the majority report. If a committee substitute is adopted by the committee for the pending bill or resolution, and such substitute receives a favorable report, the same shall be reported back to the Senate in lieu of the original bill or resolution. The original bill or resolution, for which the substitute was adopted, shall be dead unless reported to the Senate and handled under the same procedure as herein provided for minority reports. The substitute, when reported back to the Senate, shall take the same procedure as an original bill or resolution, and no action shall be required on the part of the Senate to confirm the substitution made by the committee."

Rule 15 is amended to read as follows:

"15. No member shall speak more than once in any one debate, until every member desiring to do so shall have spoken; nor shall any member speak more than twice in any one debate without leave of the Senate. If a point of order is raised that the member occupying the floor is using dilatory tactics by indulging in remarks that are not germane to the subject under consideration, and the President of the Senate sustains the point of order, the member so speaking shall be immediately called to order and be required to take his seat."

Rule 100 is hereby repealed.

Rule 37 is amended to read as follows:

"37. All resolutions, except courtesy and Senate resolutions shall, upon their introduction, be referred to an appropriate committee and shall not be acted upon at the time of introduction unless by a two-

thirds vote of the members present the Senate shall so direct."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the committee amendments hereto attached.

RAWLINGS, Chairman.

Committee Amendment No. 1.

Amend Senate Rule No. 99b, as contained in Senate Resolution No. 3, line 14, page 3, by striking out the words "two-thirds" and substituting in lieu thereof the words "a majority."

Committee Amendment No. 2.

Amend Senate Rule No. 15, as contained in Senate Resolution No. 3, page 3, by striking out the second sentence of the rule.

Committee Amendment No. 3.

Amend Senate Rule No. 99b, as contained in Senate Resolution No. 3, page 3, line 9 from the top of the page, by adding immediately after the word "committee" in parentheses, the following: "(Sundays and days the Senate is not in session excepted.)"

And in line 8 from the top of page 3, immediately after the word "days" add in parentheses the following: "(Sundays and days the Senate is not in session excepted.)"

Also after the word "days" in line 11 from the top of page 3, of Senate Resolution No. 3, add in parentheses the following: "(Sundays and days the Senate is not in session excepted.)"

Committee Amendment No. 4.

Amend Senate Rule No. 99b, as contained in Senate Resolution No. 3, page 3, line 4 from the top of the page, by striking out the words "two members," and inserting in lieu thereof the following: "three members (if the membership of the committee is composed of ten or less; and four members, if it is composed of more than ten.)"

Committee Amendment No. 5.

Amend Senate Rule 99b, page 3, at the end of line from the top of the page, by adding the following: "or the sponsor of the bill."

Committee Amendment No. 6.

Amend Senate Rule 96 by striking out the last sentence thereof.

Committee Room,

Austin, Texas, Jan. 26, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Rules, to whom was referred the following resolution:

Senate Resolution No. 4.

Be it Resolved, by the Senate of the State of Texas, That the general rules of the Senate, Numbers 102 to 107, inclusive, as shown on pages 284 to 286, inclusive, of the Texas Legislative Manual, 1935, be adopted as the permanent rules of the Texas Senate for the Forty-fifth Legislature:

Amend Rule 102 to read as follows:

"102. It shall be in order to introduce bills or resolutions during the first thirty calendar days of the session, and to have the same referred to a proper committee."

Rule 103 is amended to read as follows:

"103. After the first thirty calendar days of the regular session, no bills or resolutions shall be introduced except local bills as hereinafter defined, emergency appropriations, and emergency matters submitted by the Governor in special messages to the Legislature, unless otherwise directed by an affirmative vote of four-fifths of the membership of the Senate; appointees of the Governor (whether recess appointments or otherwise) may be acted upon at any time during the session."

Rule 106 is amended to read as follows:

"106. Bills and resolutions, other than local bills (as defined in Rule 104), emergency matters submitted by the Governor in special messages to the Legislature, acting upon appointments of the Governor (whether recess appointments or otherwise), shall not be taken up, considered, or acted upon by the Senate during the

first sixty calendar days of the session, except by an affirmative vote of four-fifths of the membership."

Be it further Resolved, That the Secretary of the Senate is hereby authorized to have the Manual re-codified, indexed, and printed in sufficient numbers to furnish the officers and Members of the Senate and press representatives with copies thereof, said Manual to contain the Senate Rules as herein amended, the Rules of the House of Representatives, the Texas Constitution, the Joint Rules of both Houses, a roster of the membership and officers of both Houses, and the standing committees of both Houses, and to pay the cost thereof out of the contingent expense fund.

Be it further Resolved, That the Secretary of the Senate is hereby authorized to have printed immediately the new rules of the Senate in a temporary form for the use of the members pending the printing of the official Manual, and to pay the cost thereof out of the contingent fund.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

RAWLINGS, Chairman.

Senate Bills on First Reading.

The following Senate bills were introduced, read severally first time, and referred by the President to appropriate committees as follows:

By Senator Moore:

S. B. No. 114, A bill to be entitled "An Act creating the Harris County Flood Control District, declaring it to be a governmental agency for reclamation and flood control in Harris County, defining its powers, authorizing it to acquire and dispose of property, to sue and be sued, to adopt a seal, to appoint a general manager and other officers, agents and employees, and counsel, to fix compensation and to prescribe their duties, providing for surveys, authorizing the devising of plans and the construction of works for flood control and reclamation, to prevent the deposit of silt in navigable streams, authorizing the removal of obstructions, permitting cooperation and contracting with the United States of America and its agencies and the accept-

ance of grants, loans and advancements, the cooperation with Harris County and adjacent political subdivisions; creating a board of directors, providing for their appointment, the term of office and qualifications, including an oath of office and bond, fixing the compensation of the directors, providing for a chairman, quorum; providing for a hearing on flood control projects and the desirability of absorbing the present drainage districts in the county and their outstanding indebtedness as a part of the general flood control plan of the district; authorizing an election, providing for the call thereof, the qualification of voters, notice to be given, the return of the election and the declaration of the result of the commissioners' court of the county; the fixing of a tax for the district, providing that the collector and assessor of taxes in the county shall be assessor and collector for the district; naming the county treasurer as treasurer for the district; providing for the handling of the district's funds, his bond, compensation; authorizing the appointment of a depository for the district fund; appointing an auditor, fixing his powers and compensation; empowering the district to pay the premiums on official bonds; providing for the issuance of improvement bonds for the district, fixing the amount, rate of interest, the term thereof, providing for the registration, sale, approval of the bonds, regulating the purchase of bonds and the investment of the sinking funds; providing for the letting of contracts by the district; the use of public property, granting the power of eminent domain; declaring the floods of Harris County to be a public calamity, authorizing a remission of one-half of the State tax for ten years, and providing for the payment of that one-half to the flood control district for improvement and maintenance purposes, specifying the reports thereon to be made by the tax collector, authorizing the issuance of bonds secured by a pledge of the funds granted by the State; providing that if any provision of the Act shall be held invalid the other provisions shall not be affected, and declaring an emergency."

Referred to Committee on Mining, Irrigation and Drainage.

By Senator Moore:

S. B. No. 115, A bill to be entitled "An Act amending House Bill No. 77 of the Second Called Session of the Forty-fourth Legislature, as amended by House Bill No. 8 of the Third Called Session of the Forty-fourth Legislature; and declaring an emergency."

Referred to Committee on State Affairs.

By Senators Collie, Neal and Brownlee:

S. B. No. 116, A bill to be entitled "An Act creating the Board of Pardons and Paroles to consist of three members, in response to the amendment to Section 11, Article 4, of the Constitution of the State of Texas, adopted November 3, 1936, prescribing its powers, duties and the procedure before it; providing it may make other rules of procedure not in conflict with this Act; providing for the appointment of its members; prescribing their qualifications, terms of office, the manner of their removal from office and filling vacancies; providing for the appointment of a chairman by the Governor, defining his duties and fixing the time he shall serve as such; fixing the compensation of its members; providing for the payment of expenses of the members of the board and its stenographers when away on official business; providing that a majority of the board shall constitute a quorum; designating place where the board shall maintain its offices; creating the office of executive secretary to the board, to be appointed by the board, prescribing his duties and fixing his salary; providing for applications for clemency, restoration of citizenship, remission of fines and forfeitures, or protests against, shall contain certain information; establishing the procedure to be followed before a petition for clemency, parole, remission of fine or forfeiture may be filed by the secretary of the board; providing for regular and special meetings of the board at the respective penitentiary units; defining duties of old Board of Pardons and Paroles when members of new board qualify; limiting the power of the Governor to grant reprieves, commutations of punishment, furloughs, pardons, paroles and the remission of fines and forfeitures; prescribing his duties and, power in

connection therewith; authorizing the Governor to revoke paroles, furloughs and conditional pardons, either with or without consent of the board; providing and establishing a general system for parole of convicts; declaring who may and who may not be eligible to be considered for parole; providing for the furnishing of clothes, transportation and money to convict at time of parole; providing in certain instances such paroled convicts not to receive any further aid from the Texas Prison Board; declaring that parole is not to be considered clemency; providing for the arrest and retaking of parole violators; providing for compensating peace officers for arresting parole violators and prescribing their duties in connection therewith; prescribing duties of the Texas Prison Board, its General Manager, all district judges, county attorneys, district attorneys, official court reporters, district clerks, sheriffs, and other peace officers, the Bureau of Identification, Bureau of Classification, and other officers, bureaus and boards, in connection with matters before the board, or incident thereto; providing that certain communications, reports, and recommendations made to the board, by said officers, bureaus and boards, shall be privileged; making an appropriation to pay salaries of members of the board, its employees, and for the support and maintenance of the board until September 1, 1937; declaring the intent of the Legislature should any part of this Act be unconstitutional; repealing Article 6203, Revised Civil Statutes of 1925, as amended by certain subsequent Acts of the Legislature, and all other laws in conflict herewith; and declaring an emergency."

Referred to Committee on Penitentiaries.

By Senator Davis:

S. B. No. 117, A bill to be entitled "An Act amending Chapter 1, Title 78, Revised Civil Statutes of Texas, 1925, by adding thereto three new articles to be known as Articles 4862c, 4862d and 4862e, said new articles to provide that all insurance companies issuing or delivering any form of insurance policy in this State, which term shall include surety and fidelity and other forms of bonds written by insurance companies,

other than fire, life, tornado, wind-storm, hail, automobile, title and workman's compensation insurance policies, shall file with the commissioner its classification of risks and premium rates or schedules of rates; providing for the approval of the same; prohibiting the use of premium rates greater or less than those filed by and approved for it; providing for the manner in which the commissioner may determine the reasonableness and adequacy of rates; providing for the filing and approval of policy forms and endorsements; providing that nothing herein shall prohibit the operation of different types or classes of insurers; providing for experience and merit rating and the assessment and collection of a tax of three-fifths of one per cent on gross premiums for the administration of this Act; requiring the filing of statements of the settlement of losses within 15 days of the settlement thereof; directing the commission to take into consideration the investment operations as well as the underwriting operations of the company or companies in the fixing, determining, promulgating or approving of any rate, maximum rate or schedules of rates; declaring the public policy of this State with respect to the earnings of insurance companies from the combined underwriting and investment operations; defining what shall be the capital used in Texas business hereunder and the method of its calculation; authorizing the commission to fix and determine the maximum amount of the rate or premium that may be used for the whole or any part of the expense loading; requiring the commission, under its duties in fixing, determining, promulgating and approving any rate, to provide for the net rate, and defining said net rate; authorizing any insurer affected by this Act to elect to use said net rate applicable to any risk provided that the expense loading it does not produce a gross rate in excess of the rate or maximum rate fixed, determined, promulgated or approved by the commission for such risk; providing that no provision of the Acts creating the State Insurance Commission or the Board of Insurance Commissioners, or relating to the supervision or operation of insurance companies in this State shall

be construed to prohibit any insurance company from extending to any insured in this State the benefit of any saving that it effects in the expense of conducting its business under the amount in the rate for expense loading; providing that this Act shall be cumulative of all laws relating to this subject not in conflict herewith and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Insurance.

By Senator Aikin:

S. B. No. 118, A bill to be entitled "An Act to amend Article 3810 of the Revised Civil Statutes relating to the sales of real estate under deeds of trust; requiring notice of such sales to be sent by registered mail to all persons having liens of record against the land to be foreclosed and providing that an affidavit made by the party sending a notice by mail shall be subject to registration and when recorded shall be prima facie evidence that the notice was sent, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Winfield:

S. B. No. 119, A bill to be entitled "An Act to fix the maximum rate of taxes to be levied for school purposes in all independent school districts whether organized under general or special laws; repealing all laws in conflict herewith, both general and special, and declaring an emergency."

Referred to Committee on Educational Affairs.

By Senator Winfield:

S. B. No. 120, A bill to be entitled "An Act making an emergency appropriation of Fourteen Thousand Fifty Dollars (\$14,050.00) to the Sul Ross State Teachers College, Alpine, Texas, for the balance of the fiscal year ending August 31, 1937, provided, however, the Sul Ross State Teachers College shall be governed by the general provisions of the Appropriation Bill in the expenditure of the amounts appropriated; and declaring an emergency."

Referred to Committee on Finance.

By Senators Sulak, Roberts, Brownlee and Holbrook:

S. B. No. 121, A bill to be entitled "An Act defining county mutual insurance companies, providing the hazards against which they may write insurance, providing for incorporation of county mutual insurance companies and the requirements therefor, providing for permits to solicit insurance on the mutual or cooperative plan and requirements thereof; providing requirements and contents of charters; authorizing such companies to adopt by-laws for the regulation and management of their affairs; providing for a lien to secure payment of premiums and assessments; liability of policy holders on the mutual plan; authorizing such companies to borrow money and defining solvency of such companies; providing for meetings of policy holders; limiting territory in which it can operate; providing for accumulation of reserve funds and for investment thereof; requiring written annual reports to members; providing for examination of county mutual insurance companies by the Insurance Commission of the State of Texas; providing that such companies now in business shall be known as county mutual insurance companies; providing that charters of such companies expired or about to expire may be extended for an additional fifty years with same rights enjoyed under its original charter and stating prerequisites to such extension; and providing for subsequent renewals of charters; authorizing re-insurance on defined conditions of any or all risks and contracts essential thereto; authorizing organization of local lodges for conduct of business and for representative form of government; providing for removal of officers, exemption from all insurance laws except as herein provided; requiring that by-laws constitute part of contract with insured; providing that unconstitutionality of any part of this act shall not affect the remainder thereof, and declaring an emergency."

Referred to Committee on Insurance.

By Senator Shivers:

S. B. No. 122, A bill to be entitled "An Act regulating the number of hours women may be employed in

Texas; requiring employers to furnish suitable seats for female employees; providing for the posting of a sign relative to such seats; requiring employers to post a copy of this Act as furnished by the Labor Commissioner; providing certain exceptions; providing a penalty; repealing Articles 1570 and 1571 of the Penal Code of the State of Texas, 1925, and Articles 1569 and 1572 of the Penal Code of the State of Texas as amended by Chapter 114, Acts of the Forty-third Legislature, and declaring an emergency."

Referred to Committee on Labor.

By Senator Shivers:

S. B. No. 123, A bill to be entitled "An Act providing for the safety of employees in employment and places of employment; defining certain words and phrases; prescribing an employers' duty as to safety; requiring places of employment to be safe; requiring safety devices and safeguards to be provided; providing that the Commissioner of Labor shall have authority to make safety regulations; providing that such regulations be effective only after publication; providing that the Commissioner of Labor and duly authorized representatives shall enforce the provisions of this Act and any regulation adopted hereunder; providing that the Commissioner of Labor may apply for an injunction to prohibit use of unsafe places of employment or machinery, device or equipment; providing that regulations adopted hereunder shall be admissible as evidence in prosecutions for violations of this Act; providing a penalty; making it the duty of the County and District Attorneys to assist in enforcing the provisions of this Act; providing that if any part of this Act is declared invalid such decision shall not affect the remaining parts and declaring an emergency."

Referred to Committee on Labor.

By Senator Shivers:

S. B. No. 124, A bill to be entitled "An Act regulating the number of hours women may be employed in Texas; requiring employers to furnish suitable seats for female employees; providing for the posting of a sign relative to such seats; providing certain exceptions; repealing Articles 5168, 5169, 5170, 5171 and

5172 of the Revised Civil Statutes of the State of Texas, 1925; and declaring an emergency."

Referred to Committee on Labor.

By Senator Rawlings:

S. B. No. 125, A bill to be entitled "An Act creating Firemen's Relief and Retirement Fund in the State of Texas and in all cities, towns and villages thereof having a regularly organized fire department with fire fighting equipment or apparatus of the value of One Thousand Dollars (\$1,000.00) or more therein; levying and appropriating the proceeds of a designated tax upon gross fire insurance premium receipts, less reinsurance and return premiums paid policyholders, to such Firemen's Relief and Retirement Fund; providing for and directing the distribution thereof; creating and providing for selection of a Board of Firemen's Relief and Retirement Fund trustees in each such city, town or village that may now be or that may hereafter come within the provisions of this Act, prescribing the duties, powers, qualifications, time of meeting, etc., of such Board; providing for and prescribing the time and manner of determining assessments upon firemen participating in the benefits hereunder and for acceptance of donations and other gifts of money in augmentation of such fund; providing for retirement and pension of firemen because of disability, age, length of service, etc., and prescribing the qualifications, amounts, manner of obtaining and who eligible to receive such benefits, providing for and prescribing the amount of allowances or benefits payable to the widow, dependent children or dependent parent and defining who may participate as such beneficiaries; providing for and prescribing the amount of hospitalization and other benefits payable to partly paid or volunteer firemen in case of accident or temporary disability; providing for and prescribing the manner of acceptance of provisions of the Act as prerequisite to participation of benefits thereunder, exempting benefits under this Act from garnishment, execution, attachment or other process and providing such benefits shall not be assignable; providing retired firemen may be recalled to active duty in certain cases; provid-

ing for and prescribing in what cases benefits may be suspended or forfeited; providing for appeals from the order or decision of the Board of Firemen's Relief and Retirement Fund Trustees to Firemen's Pension Commissioner and prescribing the manner and procedure for effecting such appeals; providing for appeals from the order or decision of the Firemen's Pension Commissioner to the proper court of Travis County, Texas; creating the office of Firemen's Pension Commissioner; providing for and prescribing his salary, expenses, duties, powers, etc.; directing city attorneys to represent and appear for boards of trustees in cases of appeal from decisions of boards; providing for investment of the surplus of the fund and prorating of benefits when fund insufficient; defining terms; providing a saving clause; providing provisions hereof shall be cumulative of and in addition to all other laws and particularly Articles 6229 to 6243 of the Revised Civil Statutes of Texas and Acts amendatory thereof, and declaring an emergency."

Referred to Committee on Insurance.

By Senator Westerfeld:

S. B. No. 126, A bill to be entitled "An Act to amend Chapter 3, Title 78, Revised Civil Statutes of Texas, 1925, by adding thereto a new Article to be known as Article 4751a so as to require each and every foreign or domestic insurance company receiving a certificate to transact the business of life insurance in this State, to make available, within all age limits for which any other form of policy is issued in this State, yearly renewable term and decreasing term insurance policies and providing that each such company, as a requisite to acquiring a certificate of authority in this State, shall file with the Commissioner rates therefor and the form of policy to be used thereunder, and declaring an emergency."

Referred to Committee on Insurance.

By Senator Westerfeld:

S. B. No. 127, A bill to be entitled "An Act to amend Article 1047 of the Revised Criminal Statutes of the State of Texas of 1925 by omitting the following, to-wit: 'Provided the

provisions of this Article shall not apply to any owner, manager, agent or employe of any compress or any public or private warehouse in their operations as a warehouseman. This law shall not apply in any manner to any Texas port, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Senator Westerfeld :

S. B. No. 128, A bill to be entitled "An Act providing that the provisions of Chapter 6, Title 71 of the Revised Civil Statutes of Texas, 1925, as amended and Chapter 6, Title 12, of the Penal Code of Texas, shall not affect or limit the application or use of the principles, tenets or teachings of any church in the ministration of the sick or suffering by prayer, with or without compensation, without the use of drugs or material remedy and provided the sanitary and quarantine laws and regulations are complied with; creating new Articles to be known as Article 4504A of the Revised Civil Statutes and Article 740A of the Penal Code of Texas; and declaring an emergency."

Referred to Committee on Public Health.

By Senator Westerfeld:

S. B. No. 129, A bill to be entitled "An Act to amend Articles 5680 and 5688 of the Revised Civil Statutes of the State of Texas of 1925, as follows: Amend Article 5680 by omitting the following to-wit: 'The provisions of this Article shall not apply to the owners, managers, agents or employees of any compress or any public warehouse in their operation as a warehouseman. This exemption shall not apply in any manner to any Texas port.' Amend Article 5688 to provide that public weighers bond be made payable to the State of Texas; to provide for the certification by the County Clerk, to the Commissioner of Agriculture, the election and approval of bonds of public weighers, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Senator Woodruff:

S. B. No. 130, A bill to be entitled "An Act authorizing A. O. Harris, Mrs. A. O. Harris, and Mrs. Roberta Pearl Van Cleeve, the latter a widow,

to sue the State of Texas through the Texas Highway Commission for damages resulting from personal injuries sustained on or about the 8th day of October, 1934, in or near the City of Fort Worth, Tarrant County, Texas, providing that venue in said suit shall be in Travis County, Texas, and declaring an emergency."

Referred to Committee on State Affairs.

Senate Bill No. 114 Re-referred.

On motion of Senator Moore, S. B. No. 114 was re-referred from the Committee on Mining and Irrigation to the Committee on State Affairs.

Senate Bill No. 23 Ordered Printed.

On motion of Senator Van Zandt, and by unanimous consent, it was ordered that S. B. No. 23 be printed in advance of its consideration in committee.

Senate Resolution No. 12.

Senator Holbrook moved that S. R. No. 12, providing for an investigating committee of five Senators, be withdrawn from the Committee on State Affairs and that it be taken up for consideration by the Senate at this time.

The motion prevailed.

The President laid the resolution before the Senate and it was adopted.

Resolution Signed.

The President signed in the presence of the Senate, after giving due notice thereof, the following resolution:

H. C. R. No. 12, Directing Dr. Cox to send all available typhoid vaccine and diphtheria toxoid to the flood-stricken area in the Midwest.

Adjournment.

On motion of Senator Pace, the Senate at 10:30 o'clock a. m., adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

Reports of Standing Committees

Committee Room,
Austin, Texas, Jan. 25, 1937.
Hon. Walter F. Woodul, President
of the Senate.
Sir: We, your Committee on En-

grossed bills have had S. B. No. 101 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, Jan. 25, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 93 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

TENTH DAY.

(Wednesday, January 27, 1937.)

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

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| Aikin. | Oneal. |
| Beck. | Pace. |
| Brownlee. | Rawlings. |
| Burns. | Redditt. |
| Collie. | Roberts. |
| Cotten. | Spears. |
| Davis. | Stone. |
| Head. | Sulak. |
| Holbrook. | Van Zandt. |
| Isbell. | Weinert. |
| Lemens. | Westerfeld. |
| Moore. | Winfield. |
| Neal. | Woodruff. |
| Nelson. | |

The following Senators were absent and excused:

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| Hill. | Shivers. |
| Newton. | Small. |

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Roberts.

Leaves of Absence Granted.

Senator Shivers was granted leave of absence for today on account of important business, on motion of Senator Stone.

Senator Hill was granted leave of absence for today on account of the death of his mother, on motion of Senator Oneal.

Senator Newton was granted leave of absence for today, on account of illness, on motion of Senator Oneal.

Senator Small was granted leave of absence for today on account of important business, on motion of Senator Moore.

Senate Bills on First Reading.

The following Senate bills were introduced, read severally first time, and referred by the President to appropriate committees, as follows:

By Senator Collie:

S. B. No. 131 A bill to be entitled "An Act to amend House Bill No. 513, Chapter 205, passed by the 40th Legislature at its Regular Session, approved March 29, 1927, amending Article 455, Revised Civil Statutes of Texas; authorizing the administration of the stockholders' liability fund by the Banking Commissioner; repealing all laws in conflict, and declaring an emergency."

Referred to Committee on Banking.

By Senator Collie:

S. B. No. 132, A bill to be entitled "An Act repealing Article 502 of the Revised Civil Statutes of Texas, 1925, relating to insuring deposits by State banks and declaring an emergency."

Referred to Committee on Banking.

By Senator Collie:

S. B. No. 133, A bill to be entitled "An Act repealing Article 543, Chapter I, Title 11, offenses against public policy and economy of the Penal Code of Texas, 1925, relative to making of small loans and declaring an emergency."

Referred to Committee on Banking.

By Senator Collie:

S. B. No. 134, A bill to be entitled "An Act amending Section 4 of Senate Bill 165, Chapter 165, passed by the Forty-second Legislature, at its regular session; prescribing the duties of certain financial corporations therein defined with respect to publication of statements and with respect to the payment of certain filing fees; repealing all laws and parts of laws in conflict therewith; and declaring an emergency."

Referred to Committee on Banking.